

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CECIL JOHNSON

Plaintiff,

v

DR. BRUCE LEVY, in his official capacities  
as the Chief Medical Examiner for the  
State of Tennessee and Medical  
Examiner for the Metropolitan  
Government of Nashville and  
Davidson County, Tennessee; and

RICKY BELL, in his official capacity as  
Warden, Reverend Maximum  
Security Institution.

No. 3:09-1139

**DEATH PENALTY CASE**

**EXECUTION DATE 12/2/09 at 1:00 a.m.**

**AMENDMENT TO COMPLAINT**

Plaintiff Cecil Johnson hereby files this amendment to his complaint, filed on December 1, 2009, that any autopsy would violate a sincere religious belief held by Mr. Johnson, pursuant to 42 U.S.C. § 1983. Petitioner incorporates all factual and legal allegations in his previous pleadings herein and amends the complaint to add the following additional claims:

**U.S. Const. Amendment XIV**

1. Plaintiff Cecil Johnson has fundamental and traditional rights to personal autonomy, bodily integrity, freedom from unwanted touching and viewing by others, personal human dignity, privacy, and to make decisions about his own body, including its handling upon death, and to prevent unnecessary mental suffering and anguish for his next-of-kin. Those rights are protected by the due process clause of the Fourteenth Amendment.

2. Defendants proposed actions violate Cecil Johnson's rights under the Fourteenth Amendment, including substantive due process.

**U.S. Const. Amendment IX**

3. Cecil Johnson has fundamental and traditional rights to personal autonomy, bodily integrity, freedom from unwanted touching and viewing by others, personal human dignity, and to make decisions about his own body, including its handling upon death, and to prevent unnecessary mental suffering and anguish for his next-of-kin. Those rights are protected by the Ninth Amendment.

4. Defendants proposed actions violate Cecil Johnson's rights under the Ninth Amendment.

Respectfully submitted,



Donald E. Dawson, BPR #010723  
POST-CONVICTION DEFENDER  
530 Church Street - Suite 600  
Nashville, Tennessee 37243  
(615) 741-9385

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James Winston Tiller, BPR #023932  
Tiller-Allison PLLP  
501 Union St, Ste. 502  
Nashville, TN 37219

## **CERTIFICATE OF SERVICE**

I certify that on December 1, 2009, I sent a copy by email of the foregoing to:

Bob Cooper via Pam Lorch  
ATTORNEY GENERAL AND REPORTER  
500 Charlotte Avenue  
Nashville, Tennessee 37243; and

Sue B. Cain via Lora Fox  
Director of Law  
Law Department for the Metropolitan Government of  
Nashville and Davidson County, Tennessee  
225 Polk Avenue - Suite 210  
Nashville, Tennessee 37203

A handwritten signature in dark ink, appearing to read "D. J. E. D.", followed by a horizontal line.